

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KENNETH FORMAN,

Plaintiff,

-against-

THE CITY OF NEW YORK, POLICE OFFICER KATHY URENA #06682, "JOHN DOE ONE through FIVE," police officers of the City of New York, the identities and numbers of whom are presently unknown to plaintiff, persons intended being the police officers and/or supervisors who participated in the arrest, detention and prosecution of plaintiff,

Defendants.

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WHEREAS, the Court issued an order for a Conference in accordance with Fed. R. Civ. P. 16(b) on May 15, 2008 (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

(1) the date of the conference and the appearances for the parties;

- June 13, 2008 at 4:30 p.m.
- Plaintiff Kenneth Forman by Michael R. Scolnick, Esq.
- Defendants City of New York and Kathy Martinez by Jessica T. Cohen, Esq.
- Defendants "JOHN DOE ONE through FIVE," police officers of the City of New York, the identities and numbers of whom are presently unknown to plaintiff, presently not identified, served or represented.

(2) a concise statement of the issues as they then appear;

Plaintiff: Plaintiff claims that members of the New York City Police Department subjected him to false arrest, malicious prosecution, and excessive force.

Defendants: Defendant submits that there was probable cause for plaintiff's arrest. However, additional time is needed to investigate the allegations of the complaint after receipt of documents pursuant to a New York Criminal Procedure § 160.50 authorization executed by plaintiff. Defendant denies that plaintiff was falsely arrested, maliciously prosecuted or that force was used against him.

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**SCEDULING ORDER**

08 Civ. 3475 (SAS)

Conference Date: June 13, 2008

(3) a schedule including:

*Initial Disclosures — June 27*

(a) the names of person to be deposed and a schedule of planned depositions;

Plaintiff: Defendant Kathy Martinez (f/k/a Urena) is to be deposed, along with Defendants "JOHN DOE ONE through FIVE," police officers of the City of New York, once they are identified and served, and the non-party witnesses mentioned below.

*Aug  
Sept  
Oct*

Defendants: Plaintiff Kenneth Forman is to be deposed. In addition, there are at least four additional non-party witnesses. Defendants may also depose any other non-parties who may subsequently be disclosed. The parties intend to schedule the depositions once document discovery has been completed.

(b) a schedule for the production of documents;

The parties will each serve demands for production of documents by July 13, 2008. The parties will respond in keeping with the Federal Rules.

(c) dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed;

The parties have not yet determined whether experts will be necessary; to the extent that they are, the parties propose that reports will be supplied by November 13, 2008, and depositions will be completed by December 13, 2008.

(d) time when discovery is to be completed:

December 13, 2008

(e) the date by which plaintiff will supply its pre-trial order matters to defendant;

January 20, 2009

(f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial: February 3, 2009

(g) final pre-trial conference pursuant to Fed. R. Civ. P. 16(d),

*Dec. 23 at 4:30*

to be filled in by the Court at the conference.

(4) a statement of any limitation to be placed on discovery, including any protective or confidentiality orders: none known at this time

(5) a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement: none known at this time

(6) anticipated fields of expert testimony, if any: not known at this time

(7) anticipated length of trial and whether to Court or jury;

3-5 days by jury

(8) This Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires;

(9) names, addresses, phone number and signatures of counsel;

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By:   
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By:   
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Assistant Corporation Counsel

SO ORDERED:

  
SHIRA A. SCHEINDLIN, U.S.D.J.

4/13/08